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Attorneys for Defendant United States of America

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

JOHN GABOR AND KAY GABOR,	)	No. C 07-06091 RMW
	)	
Plaintiffs,	)	<b>DEFENDANTS' CASE MANAGEMENT</b>
	)	<b>STATEMENT</b>
v.	)	
	)	
UNITED STATES OF AMERICA, ET AL.,	)	
	)	
Defendants.	)	

Defendants United States of America and Bradley A. Solomon<sup>1</sup> ("Defendants") submit the following case management statement pursuant to Civil Local Rule 16-9. Defendants note that their respective motions to dismiss are currently pending. Defendants reserve the right to identify additional or different issues after the Court's determination of those motions.

**1. Jurisdiction and Service.**

It appears that most, if not all, of the named defendants have not been properly served. Accordingly, undersigned counsel state no opinion at this time as to proper jurisdiction or service

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<sup>1</sup>These Defendants have filed motions to dismiss, even though it does not appear that they have been properly served. None of the other defendants (who it also appears have not been properly served) have appeared in this action.



1 for the defendants who have not yet appeared in this action, except as stated in Defendants'  
2 pending motions to dismiss.

3 **2. Facts**

4 Plaintiffs allege a wide ranging conspiracy among various law enforcement personnel,  
5 lawyers, judges, and court personnel, all stemming from plaintiffs' dispute with various  
6 governmental officials relating to their puppy mill. The Court is aware of the plaintiffs' general  
7 allegations, which are well chronicled in the defendants' motions filed in plaintiff's previous  
8 cases and the order of this Court dismissing Civil Case No. C 07 04266 RMW ("Order").

9 **3. Legal Issues**

10 Defendants' pending motions to dismiss describe some of the legal issues in this case.  
11 Other legal issues will be determined after the pleadings are settled.

12 **4. Motions**

13 Defendants' motions to dismiss are pending.

14 **5. Amendment of Pleadings**

15 There should be no amended complaint allowed.

16 **6. Evidence Preservation**

17 The parties are unaware at this time of any document destruction program or of erasures  
18 of any electronically recorded material relevant to the issues herein.

19 **7. Disclosures**

20 Defendants propose that initial disclosures be delayed until after a decision on  
21 defendants' motions to dismiss so that the parties can determine what issues, if any, will remain  
22 in the case.

23 **8. Discovery**

24 Defendants believe no discovery should be allowed because the case should be dismissed  
25 pursuant to the pending motions.

26 **9. Class Actions**

27 This case is not a class action.

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**10. Related Cases**

This case is related to plaintiffs' multiple previous cases, also relating to their puppy mill, including but not limited to Civil Case No. C 07 04266 RMW..

**11. Relief**

Defendants defer to plaintiffs for a description of the relief plaintiffs are seeking.

**12. Settlement and ADR**

Defendants believe that this case should be exempted from ADR requirements.

**13. Consent to Magistrate Judge for All Purposes**

Defendants do not consent to proceedings before a magistrate judge.

**14. Other References**

The case is not suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

**15. Narrowing of Issues**

Defendants anticipate that this case will not survive the pending motions to dismiss, so no further narrowing of issues should be necessary.

**16. Expedited Schedule**

The parties do not request an expedited schedule.

**17. Scheduling**

If the pending motions to dismiss do not completely dispose of the case, Defendants propose that the Court conduct another case management conference following the filing of the answers by all defendants, at which time the remainder of the case schedule can be set.

**18. Trial**

Defendants do not believe a trial will be necessary in this case.

**19. Disclosure of Non-party Interested Entities or Persons**

While the parties have not filed a "Certification of Interested Entities or Persons," Defendants are not aware of any nonparties with a financial interest in this action, or any other kind of interest that could be substantially affected by the outcome of the proceeding.

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**20. Other Matters**

At this time, Defendants are not aware of any other matters that may facilitate the just, speedy and inexpensive disposition of this matter.

Respectfully submitted,

DATED: July 9, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/ Claire T. Cormier

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CLAIRE T. CORMIER  
Assistant United States Attorney

Dated: July \_\_\_, 2008

EDMUND G. BROWN, JR.  
Attorney General of the State of California  
PAUL T. HAMMERNESS  
Supervising Deputy Attorney General  
KAY K. YU  
Deputy Attorney General

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KAY K. YU  
Attorneys for Defendant Bradley A. Solomon



## 20. Other Matters

At this time, Defendants are not aware of any other matters that may facilitate the just, speedy and inexpensive disposition of this matter.

Respectfully submitted,

DATED: July \_\_\_, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

CLAIRE T. CORMIER  
Assistant United States Attorney

Dated: July 7, 2008

EDMUND G. BROWN, JR.  
Attorney General of the State of California  
PAUL T. HAMMERNESS  
Supervising Deputy Attorney General  
KAY K. YU  
Deputy Attorney General

KAY K. YU  
Attorneys for Defendant Bradley A. Solomon



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**DEFENDANTS' CASE MANAGEMENT STATEMENT**

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

☒ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

☐ **PERSONAL SERVICE (BY MESSENGER)**

☐ **FACSIMILE (FAX)** Telephone No.: \_\_\_\_\_

☐ **BY FEDERAL EXPRESS**

to the parties addressed as follows:

John Gabor and Kay Gabor  
590 Smokey Court  
Campbell, CA 95008-3717

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of July 2008, at San Jose, California

/s/ Claire T. Cormier

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Claire T. Cormier